

1
2
3
4
5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
7

8 IN RE: TFT-LCD (FLAT PANEL) ANTITRUST
9 LITIGATION

No. M 07-1827 SI
MDL. No. 1827

Case Nos. C 12-6085

10 This Order Relates to:

11 *Hewlett-Packard Company v. Chunghwa Picture*
12 *Tubes, Ltd. And Tatung Company of America,*
13 *Inc., C 12-6085*

**ORDER GRANTING PLAINTIFF
HEWLETT-PACKARD'S MOTION FOR
ORDER AUTHORIZING PLAINTIFF TO
SERVE DEFENDANT CHUNGHWA
PICTURE TUBES , LTD. THROUGH ITS
U.S. COUNSEL PURSUANT TO FED. R.
CIV. P. 4(f)(3)**

14
15 Currently before the Court is Hewlett-Packard Company's ("HP") motion for an Order
16 Authorizing Plaintiff to serve Defendant Chunghwa Picture Tubes, Ltd. ("Chunghwa") Through its U.S.
17 Counsel Pursuant to Fed. R. Civ. P. HP and Chunghwa have stipulated to submit the motion without
18 oral argument. *See* Docket No. 7532. Having considered the moving papers and the arguments of the
19 parties, and for good cause appearing, the Court hereby GRANTS the motion. Docket No. 7401.

20 Plaintiff seeks to serve Chunghwa, a Taiwanese company,¹ through its U.S Counsel pursuant to
21 Fed. R. Civ. P. 4(f)(3), which "permits service in a place not within any judicial district of the United
22 States, "by . . . means not prohibited by international agreement as may be directed by the court." Fed.
23 R. Civ. P. 4(f)(3).² Chunghwa recognizes this Court's inclination to permit service through its U.S.
24 counsel, but opposes plaintiff's motion.

25
26 ¹Plaintiff cannot serve Chunghwa through the Hague Convention on Service Abroad of Judicial
27 and Extrajudicial Documents ("Hague Convention") because Taiwan is not a signatory to the Hague
Convention.

28 ²Federal Rule of Civil Procedure 4(h)(2) authorizes service of process on a foreign business
entity in a manner proscribed by Rule 4(f) for individuals.

1 The Court has previously heard and granted a number of similar motions in this MDL. *See, e.g.,*
2 Order Granting Plaintiff's Motion for Order Authorizing Plaintiff to Serve Defendants Chunghwa
3 Picture Tubes, Ltd. and Tatung Co. Through Their U.S. Counsel., Docket Nos. 3217 and 3079; *see also*
4 Docket Nos. 1309, 1657, 1779, 2109, 2532, 2584, 2747, 2748, and 2825. The Court finds no reason to
5 depart from its previous rulings. Accordingly, for the reasons set forth in its prior orders, the Court finds
6 that service under Rule 4(f)(3) is both available to plaintiff and appropriate in this case, and the Court
7 GRANTS plaintiff's motion. Docket No. 7401.

8
9 **IT IS SO ORDERED.**

10
11 Dated: March 5, 2013



12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUSAN ILLSTON
United States District Judge